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HOUSE BILL 988

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

George J. Hanosh

AN ACT

RELATING TO WATER RIGHTS; CREATING THE THREE-YEAR RIO SAN JOSE
ADJUDICATION SETTLEMENT PILOT PROJECT TO ENCOURAGE SETTLEMENT
OF WATER RIGHTS CLAIMS; PROVIDING FOR THE ADMINISTRATION, GOALS
AND EVALUATION OF THE PILOT PROJECT; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. RIO SAN JOSE ADJUDICATION SETTLEMENT PILOT
PROJECT.--

A. The "Rio San Jose adjudication settlement pilot
project" is created as a three-year effort to reduce conflict
and promote opportunities for settlement among diverse
interests claiming water rights connected to the Rio San Jose.
Currently, a formal judicial adjudication of water rights along
the Rio San Jose is taking place and with it conflict and
tension between the many water rights claimants. This conflict

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1 may prolong the adjudication, increasing costs to the parties
2 and the state and delaying the certainty and finality that is
3 the purpose of an adjudication. The Utton transboundary
4 resources center at the university of New Mexico school of law
5 shall conduct the pilot project in tandem with the formal
6 adjudication proceedings in an effort to provide education to
7 the parties and to promote a collaborative approach to the
8 adjudication.

9 B. The Utton transboundary resources center shall
10 administer the pilot project, working with claimants, including
11 among others the Pueblo of Acoma, the Pueblo of Laguna, an
12 acequia association, municipal and rural water associations,
13 mining companies and individual claimants. In the course of
14 the pilot project, each group shall be approached to discern
15 its interest in participating in the project and, if
16 interested, shall meet together for educational purposes. The
17 office of the state engineer personnel shall participate in the
18 meetings and other activities.

19 C. The key component of the pilot project shall be
20 education. The Utton transboundary resources center shall
21 provide experts from New Mexico and nationally to give
22 workshops on technical and scientific aspects of the
23 adjudication, the adjudication process, the judicial process,
24 communication skills, mediation, negotiation, effective
25 settlements, the legal basis for each group's claims and the

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1 different cultural approaches to water use and management. In
2 addition, parties involved in successful water rights
3 settlements from around the country shall be invited to discuss
4 how they were able to settle their claims.

5 D. The anticipated goals of the pilot project shall
6 be an enhanced understanding of the technical and scientific
7 aspects of the adjudication; litigation, adjudication and
8 settlement process; successful settlements and implementation;
9 the interests of other parties; mutual understanding of the
10 parties' points of view and bases for legal positions; and a
11 willingness to consider resolving issues through negotiation
12 and settlement rather than by litigation. The Utton
13 transboundary resources center shall document the proceedings
14 of the pilot project and shall develop a reporting and
15 evaluation process to determine if the goals of the pilot
16 project have been met. The Utton transboundary resources
17 center shall provide interim reports annually and a final
18 report to the participating groups in the pilot project, the
19 legislature, the court involved in the adjudication and the
20 state engineer.

21 Section 2. APPROPRIATION.--Six hundred thousand dollars
22 (\$600,000) is appropriated from the general fund to the board
23 of regents of the university of New Mexico for expenditure in
24 fiscal years 2006 through 2008 to establish and administer the
25 Rio San Jose adjudication settlement pilot project at the Utton

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1 transboundary resources center. Any unexpended or unencumbered
2 balance remaining at the end of fiscal year 2008 shall revert
3 to the general fund.

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